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June 12, 2023

VIA CM/ECF

Patricia S. Connor, Clerk
United States Court of Appeals for the Fourth Circuit
1100 E. Main St., Suite 501
Richmond, VA 23219

Re: *Appalachian Voices, et al. v. U.S. Department of the Interior, et al.*, No. 23-1384, Notice of Supplemental Authority Pursuant to Rule 28(j)

Dear Ms. Connor:

Mountain Valley Pipeline, LLC (Mountain Valley) submits this letter to notify the Court of an administrative decision finalized last week that bears on Petitioners' Motion for Stay Pending Review, ECF No. 17.

On Thursday, June 8, 2023, the West Virginia Department of Environmental Protection (WVDEP) issued a renewed Section 401 water quality certification (Ex. A) in connection with Mountain Valley's application to the U.S. Army Corps of Engineers (Corps) for a permit under Section 404 of the Clean Water Act. The certification reaffirms WVDEP's conclusion that Mountain Valley's construction activities will not violate water quality standards in West Virginia, imposes additional conditions, and addresses each of the deficiencies in reasoning this Court identified in *Sierra Club v. West Virginia Department of Environmental Protection*, 64 F.4th 487 (4th Cir. 2023). The certification also discusses Mountain Valley's compliance history, which Petitioners raised in their stay motion, ECF No. 17 at 9, and the Federal Respondents and Mountain Valley addressed in their responses, ECF No. 23 at 9–12; ECF No. 24 at 15–16.

Mountain Valley now expects the Corps to issue a Section 404 permit for the Project on or before June 24, 2023, as mandated by Section 324(d) of the Fiscal Responsibility Act, which states: "Notwithstanding any other provision of law, not later than 21 days after the date of enactment of this Act and for the purpose of facilitating the completion of the Mountain Valley Pipeline, the Secretary of the Army shall issue all permits or verifications necessary to complete



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the construction of the Mountain Valley Pipeline across the waters of the United States....”
Once it does, Mountain Valley expects to resume construction.

Thank you for your attention to this matter.

Sincerely,

/s/ George P. Sibley, III

George P. Sibley, III
Counsel for Mountain Valley Pipeline, LLC

cc: All Counsel of Record (via CM/ECF)